

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

CONTROL-FINANCE LIMITED AND
BENJAMIN REYNOLDS,

Defendants.

Case No. 1:19-cv-05631-JGK

**NOTICE OF PLAINTIFF'S MOTION FOR LEAVE TO SERVE
DEFENDANT BENJAMIN REYNOLDS BY PUBLICATION AND
FOR ADDITIONAL TIME TO COMPLETE SERVICE**

PLEASE TAKE NOTICE that pursuant to Rules 4(f)(3) and 6(b)(1)(A) of the Federal Rules of Civil Procedure, Plaintiff Commodity Futures Trading Commission (the "Commission") moves the Court for the entry of an Order (1) authorizing service of process on Defendant Benjamin Reynolds ("Reynolds") by publication in *The Daily Telegraph*, and (2) extending for sixty days the time limit by which the Commission must effect service on Reynolds and Defendant Control-Finance Limited ("Control-Finance"). In support of this Motion, the Commission submits an accompanying Memorandum of Law and the Declaration of Julia C. Colarusso.

In accordance with Rule 1.E of the Court's Individual Practices, the Commission further states as follows:

(1) Currently, pursuant to an Order entered on November 19, 2019 (ECF No. 14), the Commission must effect service on Reynolds and Control-Finance by January 17, 2020;

(2) The Commission has made one prior request for an extension of the time limit for service (ECF No. 12), which was granted by the Court;

(3) The Commission has not made a prior application for leave to serve Reynolds by alternative means; and

(4) Due to the Commission's inability to locate Reynolds for service, it has not been able to seek his consent to this motion.¹

Dated: January 3, 2020

Respectfully submitted,

By: s/Julia C. Colarusso

Julia C. Colarusso (admitted *pro hac vice*)

Jonah E. McCarthy (S.D.N.Y. Bar No. JM1977)

Luke B. Marsh (admitted *pro hac vice*)

Paul G. Hayeck (*pro hac vice* application to be submitted)

COMMODITY FUTURES TRADING COMMISSION

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¹ In light of the Commission's request for sixty additional days to complete service of process on the Defendants, the Commission also requests that the Court adjourn the Initial Conference scheduled for February 12, 2020 for a commensurate amount of time.